

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

TERESA ROMERO, individually and as  
Special Administrator of the Estate of  
ADAN ADRIAN MADRID,

Plaintiffs,

v.

MAITE AU QUIROGA, et al.,

Defendants.

Case No. 2:11-cv-00755-MMD-GWF

ORDER

(Plf.'s Second Amended Application for  
Default Judgment – dkt. no. 46)

Before the Court is Plaintiff Teresa Romero's Second Amended Application for Default Judgment Against Defendant Maite Au Quiroga. (See dkt. no. 46.) This suit arises out of the alleged negligence of Au Quiroga during the care of Romero's child who died while Au Quiroga's served as the child's foster mother. (See dkt. no. 1-B.)

Romero's request for default judgment is deficient and will be denied with leave to re-file. Romero briefly summarizes the factual allegations giving rise to this case, informs the Court that Au Quiroga has been served with a summons and the Complaint, and includes a request for money damages in the amount of \$350,000. However, Romero does not file a memorandum of points and authorities in support of her motion, as required by Local Rule 7-2(d). See Local Rule 7-2(d) (failure to file points and authorities in support of a motion constitutes consent to its denial). She does not address the relevant legal standard governing the award of default judgment, see *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986), and does not apply the facts of this case to that standard. Failure to do so warrants denial of the instant motion.

1 Accordingly, IT IS HEREBY ORDERED that Plaintiff Teresa Romero's Second  
2 Amended Application for Default Judgment (dkt. no. 46) is DENIED. Romero may re-file  
3 her motion consistent with the applicable Local Rules as set forth above.

4  
5 DATED THIS 22<sup>nd</sup> day of March 2013.

6  
7   
8 \_\_\_\_\_  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE